

**BILL ANALYSIS**

C.S.H.B. 2269  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties contend that hospitals with children's isolation units, which offer unique services to high-risk patients, should be shielded from certain liability. C.S.H.B. 2269 seeks to recognize the advanced practices required in these units by requiring gross negligence or wilful misconduct to be shown in order to establish liability.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 2269 amends the Health and Safety Code to exempt a licensed hospital with a children's isolation unit that is designed to provide health care services to children with highly contagious infectious diseases and that has instituted isolation protocols, and a physician or employee of that hospital, from liability for any claim, damage, or loss arising from the provision of health care services in the children's isolation unit to children with highly contagious diseases, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or wilful misconduct.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2269 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter K to read as follows: <u>SUBCHAPTER K. LIMITATION ON</u>	SECTION 1. Chapter 241, Health and Safety Code, is amended by adding Subchapter K to read as follows: <u>SUBCHAPTER K. LIMITATION ON</u>

CIVIL LIABILITY OF CHILDREN'S ISOLATION UNITS

Sec. 241.301. DEFINITION. In this subchapter, "children's isolation unit" means an isolation unit in a hospital licensed under this chapter that is designed to provide health care services to children with highly contagious infectious diseases.

Sec. 241.302. LIMITATION ON CIVIL LIABILITY OF CHILDREN'S ISOLATION UNIT. A children's isolation unit that has instituted isolation protocols is not liable for any claim, damage, or loss arising from the provision of health care services to children with highly contagious diseases, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or wilful misconduct.

SECTION 2. This Act takes effect September 1, 2017.

CIVIL LIABILITY OF HOSPITALS WITH CHILDREN'S ISOLATION UNIT

Sec. 241.301. DEFINITION. In this subchapter, "children's isolation unit" means an isolation unit in a hospital licensed under this chapter that is designed to provide health care services to children with highly contagious infectious diseases.

Sec. 241.302. LIMITATION ON CIVIL LIABILITY OF HOSPITAL WITH CHILDREN'S ISOLATION UNIT. A hospital with a children's isolation unit that has instituted isolation protocols and a physician or employee of that hospital are not liable for any claim, damage, or loss arising from the provision of health care services in the children's isolation unit to children with highly contagious diseases, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or wilful misconduct.

SECTION 2. Same as introduced version.